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REMARKS

Claims 1-41 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1-41 Under 35 U.S.C. §102(e)

Claims 1-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Anderson *et al.* (US Patent 6,684,250). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Anderson *et al.* does not teach each and every element of applicants' invention as recited in the subject claims.

> A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to determining the geographic location of Internet hosts. The location of an Internet host is determined by way of a data store and location codes extracted from router labels associated with nodes along the path from a computer system to the Internet host. The location can be corrected if a time delay of a transmission from a computer to the internet host is greater than a threshold indicating that the Internet host and intermediate node are not geographically close. In particular, independent claim 1 recites *a network path between a host IP address associated with the Internet host and the computer system, wherein the network path comprises the computer system, the Internet host, and at least one intermediate network node...determining a delay time associated with a transmission from the computer system to receipt of the transmission at the Internet host along the network path; and selectively correcting the location estimate according to the delay time associated with the network path.* Independent claims 7-12 and 23-26 recite similar aspects.

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Anderson *et al.* does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claims. The cited art primarily employs host location information stored with databases along with partial and full string analysis, traceroute information, and number of hops in traceroutes to estimate the location of a host. However, contrary to assertions in the Office Action, Anderson *et al.* fails to teach transmission time delay measurements from the host to a computer system to correct location estimates. The section of the cited art referenced in the Office Action points to a single sentence where Anderson *et al.* makes a casual reference to latency calculations. Anderson *et al.* provides no further details as to what these latency calculations are and how they are used anywhere in the specification or drawings. Specifically, there is no mention or suggestion of a transmission time delay measurement from the host to a computer system. Therefore, it is clear that Anderson *et al.* fails to teach or suggest determining a delay time associated with a transmission from the computer system to receipt of the transmission at the Internet host along the network path; and selectively correcting the location estimate according to the delay time associated with the network path.

Furthermore, independent claim 27 (and similarly independent claims 38-41) recites *clustering together IP addresses corresponding to hosts in the same geographic location according to network routing information to obtain cluster information; ... computing a dispersion metric representative of the accuracy of the location estimate of the location of the Internet host.* Contrary to assertions in the Office Action, Anderson *et al.* also fails to teach or suggest this aspect. Applicants' claimed invention can compute a dispersion metric of the statistical variability of locations represented by the cluster of IP addresses to represent the accuracy of the location estimate of the host. The section of Anderson *et al.* cited in the Office Action refers to an algorithm that locates the upper and lower bounds of a range of IP addresses within a block of IP addresses that share some common information. This algorithm computes upper and lower bounds, not a dispersion metric. A dispersion metric is a measure of statistical variability of members of a population. Accordingly, Anderson *et al.* fails to teach or suggest computing a dispersion metric representative of the accuracy of the location estimate of the location of the Internet host.

In view of at least the foregoing, applicants' representative respectfully submits that Anderson *et al.* fails to teach or suggest all elements of applicants' invention as recited in independent claims 1, 7-12, 23-27 and 38-41 (and claims 2-6, 13-22 and 28-37 that depend there

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from), and thus fails to anticipate the claimed invention. Therefore, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP189USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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